

Remarks

This Amendment is filed in reply to the Office Action mailed October 21, 2005. Claims 1-24 and 39-60 are now pending in the application. Claims 3 and 4 have been amended in the present application and claims 40-60 have been added. Thus, claims 1, 3-24 and 39-60 are submitted for reconsideration at this time.

A. Rejections Under 35 U.S.C. § 102

Claims 1, 3-5, 7-14, 17-24 and 39 stand rejected under 35 U.S.C. §102(e) as being anticipated by Knight US Application Publication No. 2002/0099570. This rejection is respectfully traversed.

The Knight publication is not entitled to the priority date of provisional application no. 60/227,484 filed August 24, 2000 because there is no inventorship overlap between the provisional application and the Knight publication as required by 35 U.S.C. §119(e). Accordingly, the present application's filing date of October 31, 2000 is earlier in time than the filing date of August 24, 2001 for the Knight reference, and thus the Knight publication is not prior art.

In addition, the provisional application on which the Knight publication claims priority does not support the elements of claims 11-14 and 17. Since these limitations are not supported by the provisional application the Knight publication is not entitled to the filing date of the provisional application for these limitations. Additional disclosure was added to the Knight publication, which is not present in the provisional application. Accordingly, the effective filing date for claims 11-14 and 17 is August 23, 2001, the filing date of the Knight publication. Accordingly, the Knight publication is not prior art for claims 11-14 and 17. Claims 40-60 recite the limitations of claims 11-14 and 17 and thus Knight is not prior art for the same reasons discussed with respect to claims 11-14 and 17.

B. Rejections Under 35 U.S.C. § 103

Claim 9 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Michelson in view of Altman et al. US Patent No. 5,572,421 and claims 15-16 stand

rejected under 35 U.S.C. § 103(a) as unpatentable over Michelson in view of Kraftson et al. US Patent No. 6,151,581. These rejections are respectfully traversed.

Claims 9, 15, and 16 depend from claim 1. The limitations of claims 15 and 16 are also not supported by the provisional application, and thus, the Knight publication is not prior art for these claims for the same reasons discussed above with respect to claims 11-14 and 17.

C. Conclusion

In view of the above amendments and remarks, Applicant respectfully requests that all objections and rejections recited in the Office Action mailed October 21, 2005 be withdrawn. In view of the above, it is respectfully submitted that the present invention is allowable over the references relied upon in the Office Action. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below. The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (25737.0002).

Respectfully submitted,

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